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EXAMINER

COFFY, EMMANUEL

ART UNIT

PAPER NUMBER

2157

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/864,691

Applicant(s)

CHANG, HSIN-WANG WAYNE

Examiner

Emmanuel Coffy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Response to Amendment

1. This action is responsive to the amendment filed on August 31, 2005. Claims 1-27 are pending. Claims 1-27 have been amended to overcome the rejections articulated in the last office action.

Response to Arguments

2. On page 12 of the remarks applicant states that "in addition to correcting some informalities, all claims have been amended to further distinguish from Robertazzi and Ellis." Applicant's arguments have been considered but are moot in view of the new ground of rejection.

3. The dependent and non-amended claims stand rejected as articulated in the First Office Action and all objections not addressed in Applicant's response are herein reiterated. Applicant is advised that only the significant amendments are herein addressed.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3 and 15 are rejected under 35 U.S.C. §102(b) as being anticipated by Edelstein et al. (US 5,764,906.)

Edelstein teaches the invention as claimed including a universal

electronic resource denotation request and delivery system which allows a user to locate information on a distributed computer system or network such as the Internet by knowing or guessing a short mnemonic alias of an electronic resource without the user having to know the physical or other location denotation such as the universal resource locator of the desired resource. (See abstract).

Claim 1:

Referring to claim 1, Edelstein teaches a Distributed Computer Resource Bartering System, or DCRBS, comprising: (See Fig. 1, Fig. 2 and Fig. 6)

a plurality of independent computing devices coupled to a network wherein each of the computing devices is provided with a variety of computing resources; (See Fig. 6 and col. 12, line 63-col. 13, line 8).

a coordination computing device configured to coordinate the bartering of various computing resources respectively running in the computing devices, wherein each of the computing devices is configured to barter the various computing resources with the coordination computing device that is executing a negotiation process requiring human intervention to subsequently reach a bartering contract with some of the computing devices; and (See col. 6, lines 8-14, col. 10, lines 15-63 and col. 13, lines 14-17) (especially col. 10, lines 28-31 "services are mediated for each client by a local server – mediated carries the same meaning as negotiated and col. 13, lines 14-17 human intervention is interpreted as the user may override this masking...)

wherein a fraction of the computing resources of each of some of the computing devices is coordinated through the coordination computing device and to simultaneously

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communicate and functionally operate with each other through the network to perform an application. (See col. 6, lines 3-7.)

Claim 2

Referring to claim 2, Edelstein teaches the Distributed Computer Resource Bartering System according to claim 1 as discussed above, wherein the network is one of a Local Area Network, a Wide Area Network or the Internet. (See Fig. 6 and col. 12, line 63-col. 13, line 8.)

Claim 3:

Referring to claim 3, Edelstein teaches the Distributed Computer Resource Bartering System according to claim 1 as discussed above, wherein the computing resources are individually valued and systematically classified into a number of major bartering categories to effectuate a commerce driven bartering mechanism. (See Fig. 1, Fig. 2 and Fig. 6 and abstract.)

Claim 15.

Edelstein teaches a method of performing a Distributed Computer Resource Bartering, DCRB, the method comprising: (See Fig. 1, Fig. 2 and Fig. 6)

coupling a plurality of independent computing devices through a network wherein each of the computing devices is installed with a DCRBS software module; (See Fig. 6 and col. 5, line 49-col. 6, line 14.)

installing a coordination software module on one of the computing devices to (hereinafter "coordination computing device") to coordinate the bartering of various computing resources among all the computing devices in responding to a request from

the coordination computing device, the DCRBS software module in each of the computing devices configured to release parameters to the coordination computing devices such that the coordination computing device determines a set of candidates with respect to some criteria; (See col. 5, line 49-col. 6, line 14 and col. 9, lines 38-50).

executing a negotiation process requiring human intervention to subsequently reach a bartering contract with some of the candidates and causing the some of the candidates to communicate and functionally operate with one another through the network to perform a desirable application. (See col. 6, lines 8-14, col. 10, lines 15-63 and col. 13, lines 14-17) (especially col. 10, lines 28-31 "services are mediated for each client by a local server – mediated carries the same meaning as negotiated and col. 13, lines 14-17 human intervention is interpreted as the user may override this masking...)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4-7, 9-12, 14, and 16-26 are rejected under 35 U.S.C. §103(a) as being unpatentable over Edelstein et al. (US 5,764,906) in view of Robertazzi et al. (US 6,370,560.)

Edelstein teaches the invention substantially as claimed including a universal

Electronic resource denotation request and delivery system which allows a user to locate information on a distributed computer system or network such as the Internet by knowing or guessing a short mnemonic alias of an electronic resource without the user having to know the physical or other location denotation such as the universal resource locator of the desired resource. (See abstract).

Claim 4:

Referring to claim 4, Edelstein substantially teaches the Distributed Computer Resource Bartering System according to claim 3 as discussed above. Edelstein is silent about "wherein the major bartering categories are selected from the group consisting of computing power, computing memory, computing storage, computer peripherals, computer files, network access, and money." However, Robertazzi extensively teaches these limitations. (See col. 5, lines 28-40).

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the teachings of Edelstein with the load sharing controller taught by Robertazzi. This system would allow users the ability to trade and obtain a variety of resources.

Claim 5:

Referring to claim 5, Edelstein substantially teaches the Distributed Computer Resource Bartering System according to claim 4 as discussed above. Edelstein is silent about "wherein the computing power is valuated using parameters from the group comprising MIPS, MFLOPS and usage time." However, Robertazzi extensively teaches usage time throughout specifically at col. 8, lines 21-26 and Fig. 6.

Robertazzi makes reference to supercomputer and minicomputer (See col. 5, 31-40). Although Robertazzi fails to explicitly disclose MIPS, MFLOPS; it is implicit that MIPS and MFLOPS are common measure of processor speed. (See μ Soft Computer Dictionary). Moreover, Ellis explicitly teaches this form of computer measure. (See col. 2, lines 38-41 and col. 3, lines 36-40). Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the teachings of Edelstein with the computer measure taught by Ellis. This system would allow users the ability to trade and obtain a variety of computing resources.

Claim 6:

Referring to claim 6, Edelstein substantially teaches the Distributed Computer Resource Bartering System according to claim 4 as discussed above. Edelstein is silent about "wherein the computing memory is valued using parameters from the group consisting MB, ns of Read time, ns of Write time and usage time." However, Robertazzi extensively teaches these limitations. (See col. 6, lines 63-65; col. 10, lines 40-45; col 12, lines 33-36 and Fig.5, col. 14, line 20). (It is inherent that read time (ns), write time (ns) and capacity (MB) are parameters associated with memory). Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the teachings of Edelstein with the computer measure taught by Ellis. This system would allow users the ability to trade and obtain a variety of computing resources.

Claim 7:

Referring to claim 7, Edelstein substantially teaches the Distributed Computer

Resource Bartering System according to claim 4 wherein the computing storage is valued using parameters selected from the group consisting of MB, ms of Read time, ms of Write time and usage time.

This claim is rejected for the same reason articulated in claim 6 above.

Claim 9:

Referring to claim 9, Edelstein substantially teaches the Distributed Computer Resource Bartering System according to claim 4 as discussed above. Edelstein is silent about "wherein the computer files is valued using parameters pertaining to a series of respectively associated descriptive header files." However, Robertazzi extensively teaches interprocessors communication, which implicitly involves header files. (See col. 6, lines 15-35.) Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the teachings of Edelstein with the load sharing controller taught by Robertazzi. This system would allow interprocessor communication.

Claim 10:

Referring to claim 10, Edelstein substantially teaches the Distributed Computer Resource Bartering System according to claim 4 as discussed above. Edelstein is silent about "wherein the network access is valued using parameters selected from a group consisting of speed, QOS and usage time." However, Robertazzi extensively teaches such limitations. (See col. 6, lines 15-35.) (See col. 9, lines 11-50 and col. 5, lines 36-40) (a supercomputer is inherently faster than a 486 PC). Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine

the teachings of Edelstein with the load sharing controller taught by Robertazzi. This system would allow users the ability to trade, obtain a variety of computing resources and determine monetary value of the resources.

Claim 11:

Referring to claim 10, Edelstein substantially teaches the Distributed Computer Resource Bartering System according to claim 4 as discussed above. Edelstein is silent about "wherein the money further comprises a subset of bartering items selected from a group consisting of cash, credit, sweepstakes and commissions." However, Robertazzi extensively teaches such limitations. (See col. 4, lines 39-59, 65-66 and col. 6, lines 54-55). Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the teachings of Edelstein with the load sharing controller taught by Robertazzi. This system would allow users the ability to trade, obtain a variety of computing resources and determine monetary value of the resources.

Claim 12:

Referring to claim 12, Edelstein substantially teaches the Distributed Computer Resource Bartering System according to claim 1 as discussed above. Edelstein is silent about "wherein the coordination computing device and one or more of the individual peer computing devices form one or more DCRBS communities that may either independently function or communicate and coordinate with one another simultaneously through the network for bartering activity." However, Robertazzi extensively teaches such limitations. (See col. 7, lines 45-48). Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the teachings of

Edelstein with the load sharing controller taught by Robertazzi. This system would allow users the ability to trade, obtain a variety of computing resources.

Claim 14.

Edelstein substantially teaches a Distributed Computer Resource Bartering System, DCRBS, comprising: (See Fig. 1, Fig. 2 and Fig. 6)

a plurality of independent computing devices coupled to a network wherein each of the computing devices preinstalled with a DCRBS software module; (See Fig. 6 and col. 12, line 63-col. 13, line 8).

a coordination computing device preinstalled with a DCRBS coordinator software module that is configured to coordinate bartering of various computing resources respectively running in the computing devices, the DCRBS coordinator software module determining a set of candidates from the computing devices in reference to collected parameters pertaining to each of the candidates, wherein the coordination computing device is further executing a negotiation process to subsequently reach a bartering contract with some of the candidates; (See col. 6, lines 8-14, col. 10, lines 15-63 and col. 13, lines 14-17) (especially col. 10, lines 28-31 "services are mediated for each client by a local server – mediated carries the same meaning as negotiated) wherein some of the computing resources of the candidates communicate and functionally operate with one another through the network to perform an application. (See col. 6, lines 3-7.)

Edelstein is silent about "wherein the DCRBS software module in each of the computing devices notifies the coordination computing device whenever there is a

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status change pertaining to computing power and computing memory therein,”

However, Robertazzi extensively teaches these limitations. (See col. 6, lines 63-65; col. 10, lines 40-45; col 12, lines 33-36 and Fig.5, col. 14, line 20). (It is inherent that read time (ns), write time (ns) and capacity (MB) are parameters associated with memory).

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the teachings of Edelstein with the computer measure taught by Ellis. This system would allow users the ability to trade and obtain a variety of computing resources.

Claim 16.

Edelstein substantially teaches the method of performing a Distributed Computer Resource Bartering according to claim 15 as discussed above wherein the network is a Local Area Network, a Wide Area Network or the Internet. (See Fig. 6 and col. 12, line 63-col. 13, line 8).

Claim17.

Edelstein substantially teaches the method of performing a Distributed Computer Resource Bartering according to claim 16 as discussed above wherein said variety of computing resources are individually valued and systematically classified into a number of major bartering categories to effect a commerce driven bartering mechanism. (See Fig. 1, Fig. 2, Fig. 4 and Fig. 6 and abstract).

Claim 18.

Edelstein substantially teaches the method of performing a Distributed Computer Resource Bartering according to claim 15 as discussed above. Edelstein is silent

about "wherein the major bartering categories are selected from the group consisting of computing power, computing memory, computing storage, computer peripherals, computer files, network access, and money." However, Robertazzi extensively teaches these limitations. (See col. 5, lines 28-40).

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the teachings of Edelstein with the load sharing controller taught by Robertazzi. This system would allow users the ability to trade and obtain a variety of resources and determine monetary value of the resources.

Claim 19.

The method of performing a Distributed Computer Resource Bartering according to claim 18 wherein the computing power is valued using parameters from the group comprising MIPS, MFLOPS and usage time.

This claim is rejected for the same reason articulated in claim 5 above.

Claim 20.

The method of performing a Distributed Computer Resource Bartering according to claim 18 wherein the computing memory is valued using parameters from the group comprising MB, ms of Read time, ms of Write time and usage time.

This claim is rejected for the same reason articulated in claim 6 above.

Claim 21.

The method of performing a Distributed Computer Resource Bartering according to claim 18 wherein the computing storage is valued using parameters from the group comprising MB, ms of Read time, ms of Write time and usage time.

This claim is rejected for the same reason articulated in claim 7 above.

Claim 22

The method of performing a Distributed Computer Resource Bartering according to claim 18 wherein the computer peripherals is valued using parameters from the group comprising resolution, color depth, speed and usage time.

This claim is rejected for the same reason articulated in claim 8 below.

Claim 23.

The method of performing a Distributed Computer Resource Bartering according to claim 18 wherein the computer files is valued using parameters from the group comprising a series of respectively associated descriptive header files.

This claim is rejected for the same articulated in claim 9 above.

Claim 24

The method of performing a Distributed Computer Resource Bartering according to claim 18 wherein the network access is valued using parameters from the group comprising speed, QOS and usage time.

This claim is rejected for the same reason articulated in claim 10 above.

Claim 25.

The method of performing a Distributed Computer Resource Bartering according to claim 18 wherein the money further comprises a subset of bartering items selected from the group consisting of cash, credit, sweepstakes and commissions.

This claim is rejected for the same reason articulated in claim 11 above.

Claim 26.

The method of performing a Distributed Computer Resource Bartering according to claim 15 further comprises the step of forming one or more DCRBS communities each comprising the coordination computing device and one or more of the individual peer computing devices that may either independently function or communicate and coordinate with one another simultaneously through the network for bartering activity. This claim is rejected for the same articulated in claim 12 above.

7. Claims 8, 13 and 27 are rejected under 35 U.S.C. §103(a) as being unpatentable over Edelstein et al. (US 5,764,906) in view of Robertazzi et al. (US '560) in further view of Ellis, III (US 6,725,250.)

Claim 8:

Referring to claim 8, Edelstein substantially teaches the Distributed Computer Resource Bartering System according to claim 4 as discussed above. Edelstein is silent about "wherein the computer peripherals is valuated using parameters selected from the group consisting of resolution, color depth, speed and usage time." However, Robertazzi extensively teaches usage time throughout specifically at col 12, lines 33-36 and Fig.5, col. 14, line 20). Furthermore, Robertazzi discloses speed at col. 5, lines 40-43. Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the teachings of Edelstein with the load sharing controller taught by Robertazzi. This system would allow users the ability to trade and obtain a variety of resources.

Neither Edelstein nor Robertazzi teaches image scanners, digital cameras and

printers which usually rate their resolution and color of depth as disclosed by applicant. However, Ellis discloses specifically discloses these items at col. 9, lines 18-30. Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the teachings of Edelstein and Robertazzi with peripheral equipment measure taught by Ellis. As resource that can be shared, it is important to know the performance measure of such equipment because it contributes to the calculation of the monetary cost.

Claim 13:

Referring to claim 13, Edelstein substantially teaches the Distributed Computer Resource Bartering System according to claim 1 as discussed above. Edelstein is silent about "wherein the application includes, massively distributed computing, Peer-to-Peer Electronic Commerce, Peer-to-Peer file swapping, Web site security testing, Web performance testing, PEER-TO-PEER Streamline Media Broadcasting, Web Indexing Spider, Peer Software Router, PEER-TO-PEER Game Coordinator, Wireless PEER-TO-PEER Digital Content Swapping Platform, advanced information search engines and self-balanced data routing networks." However, Robertazzi extensively teaches peer-to-peer electronic commerce (see col. 5, lines 33-51), peer-to-peer file swapping (see col. 1, lines 35-40), self-balanced data routing (see col. 2, lines 52-55.) Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the teachings of Edelstein with the load sharing controller taught by Robertazzi. This system would allow users the ability to trade and obtain a variety of resources.

Neither Edelstein nor Robertazzi specifically suggests the remainder of the enumerated applications of claim 13. However, Ellis discloses the balance of the applications enumerated in claim including massive parallel processing (col. 10, line 2), searching the World Wide Web or Internet sites (col. 16, lines 44-55).

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the teachings of Edelstein and Robertazzi with the tasks taught by Ellis. As resource that can be shared, it is important to know the performance measure of such equipment because it contributes to the calculation of the monetary cost.

Claim 27.

The method of performing a Distributed Computer Resource Bartering according to claim 15 wherein the application includes, but not limited to, massively distributed computing, Peer-to-Peer Electronic Commerce, Peer-to-Peer file swapping, Web site security testing, Web performance testing, PEER-TO-PEER Streamline Media Broadcasting, Web Indexing Spider, Peer Software Router, PEER-TO-PEER Game Coordinator, Wireless PEER-TO-PEER Digital Content Swapping Platform, advanced information search engines and self-balanced data routing networks.

This claim is rejected for the same reason articulated in claim 13 above.

CONCLUSION

8. **THIS ACTION IS MADE FINAL.**

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emmanuel Coffy whose telephone number is (571) 272-3997. The examiner can normally be reached on 8:30 - 5:00 P.M.

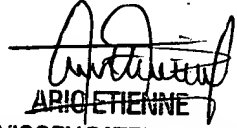
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Emmanuel Coffy
Patent Examiner
Art Unit 2157

***EC
November 2, 2005


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